

MINUTES OF THE CITY COUNCIL MEETING HELD MARCH 22, 2005, AT 7:00 P.M., IN
THE COTTONWOOD HEIGHTS CITY COUNCIL CHAMBER

MEMBERS PRESENT: Mayor Kelvyn Cullimore, Councilman Don Antczak, Councilman Scott Bracken, Councilman Bruce Jones, Councilman Gordon Thomas

STAFF PRESENT: City Manager Liane Stillman, City Attorney Shane Topham, City Treasurer Gary Harmer, Community Development Director Kevin Smith, City Recorder Linda Dunlavy

OTHERS PRESENT:

1.0 Welcome

1.1 Mayor Cullimore opened the meeting at 7:00 p.m. and welcomed those attending.

1.2 The Pledge of Allegiance was led by Councilman Antczak.

2.0 Public Hearing to receive comments on the proposed use of the Community Development Block Grant Funding

2.1 Lynn Feveryear, Manager of Community Development/Housing , explained that the CDBG program is funded through HUD and is made available for community improvement. It can be used for master planning, low income housing, or the elimination of blight. Cottonwood Heights will receive \$100,000 in funding for the fiscal year ended June 30, 2006.

2.2. Michelle Flynn, representing The Road Home, stated that they are a non-profit organization providing assistance to people experiencing homelessness in Salt Lake County and along the Wasatch Front. They operate the Salt Lake Community Shelter which last year served four individuals from Cottonwood Heights for 399 nights of shelter, for a total cost of \$4,117.68. She asked the Council to consider funding for those experiencing homelessness.

2.3 Roger Borgenicht, ASSIST, Inc., stated that ASSIST is a non-profit community design center which provides emergency home repair, home modifications, and planning services to people that cannot afford private services. ASSIST provides its emergency home repair program in nine cities and unincorporated Salt Lake County. Mr. Borgenicht noted that 85 percent of the ASSIST budget is CDBG funding and asked the Council to consider the request since residents of Cottonwood Heights are benefited from the program.

2.4 City Manager Liane Stillman explained that the City is proposing to use this year's funding for completion of its General Plan. The City is required by law to adopt a comprehensive plan by July 12, 2005.

2.5 Ron Fullmer, expressed support for the ASSIST programs.

2.6 Mayor Cullimore closed the public hearing.

3.0 **Public Comments**

3.1 Caroline Mars, 3546 East Wasatch Grove Lane, stated that she and many other homeowners in the Wasatch Oaks Condominium complex are asking that ordinances regarding short-term rentals be enforced. She explained that 65 percent of the rentals in her PUD are not licensed. There have been 40 complaints and she has gathered all of the information the County has asked for and they have not acted on any of the complaints. Ms. Mars referred to several County ordinances, ski advertisements, and letters in explaining and supporting her concerns. Ms. Mars explained that the bylaws of their homeowner's association are ignored and the HOA has not followed through on complaints they have received because two of the three board members of the HOA are among the worst offenders. She asked the City to start off right by enforcing the ordinances which are in place.

Michael Bullen, HOA president, said that zoning laws state that short-term rentals are illegal. He explained that the streets throughout the PUD are too narrow for emergency vehicles to navigate when the parking on the street in violation of their rules occurs. This is cause for public safety concerns. He asked the Council to tell him who has liability if public safety is compromised in this fashion. He said that laws are laws and should be taken off the books if they are not enforced.

City Attorney Shane Topham said that the City is currently under a temporary zoning ordinance for six months. During this time the City is focusing on creating a General Plan and zoning ordinance. The City will address this and other issues as the proposed code is being developed for adoption in July. Mr. Topham also explained that enforcement resources are limited and the legislative body decides how to allocate those resources among the problems that exist. He noted that some CCRs prohibit short-term rentals and the residents have a private cause of action to enforce the CCRs against other owners that are not complying. He stated that if the Homeowners Association is not doing their job, the recourse is through the courts. He noted that during the temporary zoning ordinance period, permitted uses are allowed to proceed.

Community Development Director Kevin Smith explained that the City is currently working on policies and ordinances to deal with this issue. There are areas where short-term rentals are appropriate and areas where they are inappropriate, and ordinances are being developed which will protect both neighborhoods and renters.

City Manager Liane Stillman asked if the residents have this problem both in the summer and the winter. Mr. Bullen said it is mainly a winter problem.

Ms. Stillman suggested that she be given a complete list of all property owners, so that information can be gathered and everyone is treated equally. Mr. Bullen said that he could provide a list.

Caroline Mars stated that she provided all of her information and research, including all of the homeowners' names and addresses to Loree Nish at Salt Lake County and will ask that it be turned over to the City.

Fern Baird, stated that she books ski vacation rentals and asked that the Council not prejudice property owners where neighbors do not oppose the short term rentals. She asked if the public could give input to the proposed zoning ordinance.

Mr. Smith explained that as the process moves forward public hearings will be held and input taken.

3.2 Jeff Williams, 2553 E Nantucket Drive, stated that there is a need for a sidewalk from Nantucket Drive to the Canyon View Elementary on Bengal Blvd. He would like to see it installed on the south side of the street.

3.3 Chris Cage, stated that UTA will discontinue ski buses very soon and suggested that fixed routes be continued or enhanced. He also suggested the City contact the County about the master plan and the possibility of looking at open space for the future.

Craig Sturm, agreed that UTA needs to be contacted regarding enhanced routes in Cottonwood Heights.

4.0 **REPORTS/PRESENTATIONS**

4.1 **City Manager Report**

4.1.1 **Open House:** City Manager Liane Stillman stated that the open house for the City offices will be held April 9th from 11:00 a.m. to 4:00 p.m. there will be entertainment, staff and elected officials available, musical numbers, refreshments, and will conclude with a time capsule.

4.1.2 **Code Enforcement Officer:** Community Development Director Kevin Smith told the Council that Mike Dolan started today as the new Code Enforcement officer. He worked as a Code Enforcement officer at Salt Lake County.

4.1.3 **General Plan:** Ms. Stillman explained that the General Plan is in the process of being drafted. The data received from the General Plan will be used as a framework on which

to make planning and zoning decisions. The consultants and the City are holding meetings and asking citizens to give input on what they want to see in the community.

- 4.1.4 **Coupon:** The City will make a coupon available to the residents good for one truck load of garbage to the dump. Coupons will be honored during the month of April. Residents that have used one coupon can check back the last week of April to see if there are any remaining coupons for use.
- 4.2 Battalion Chief Watson reviewed run statistics from the month of February. He reminded the residents that there have been several children burned by ornamental candles and urged parents to keep candles out of the way of young children. The UFA will be participating in the City's open house and will setting up fire apparatus and a fire safety trailer. Residents can tour the fire station on April 23rd from 10:00 a.m. to 2:00 p.m.
- 4.3 Sgt. Carrie Hecht reported that since January 11th she has picked up 21 feral cats at one address. If a resident has a problem with feral cats, traps are available from Salt Lake County by leaving a deposit, which will be returned when the trap is brought back. She stated that since January 25th, Crestwood Park has had six violations for dogs running at large. Sgt. Hecht said that Antczak Park, Bywater Park and Butler Park all provide disposal bags for dog waste.
- 4.4 City Treasurer Gary Harmer explained that a monthly financial report has been prepared and is presented monthly to comply with state code. The first monthly report for the City is for the month of February. The purpose of the report is to give the Mayor and Council an assurance that the activities of the City have been conducted in accordance with the budget. Total revenue for February was \$281,604 which was Class C Road Funds and expenditures were \$152,102 almost all of which was salaries, wages and contracted services. A report will be given each month at the second business meeting.
- 4.5 The council briefly discussed the current billboard situation in the city. It was particularly noted that the NE corner of Highland and Fort Union is the last permitted location in the city for a billboard. Thereafter, no permits are allowed. Many citizens have voiced their opposition to billboards and a desire to have them removed if possible. Mayor Cullimore indicated that the Council is reviewing options in this regard.
- 4.6 Mayor Cullimore stated that the Unified Police Authority task force is focusing on identifying a pool of services that cities feel are critical and identifying at what level the services should be funded. Many entities are participating in the discussions of how pooled services could be managed. The task force is chaired by Mayor Webb and County Councilman Crockett.
- 4.7 Sgt. Brenneman informed the Council that the Salt Lake City marathon will be held April 23rd. He reviewed the course that will be followed and pointed out the impacts to the City.

5.0 **PLANNING/PUBLIC WORKS MATTERS**

- 5.1 **Update on Construction Projects:** Community Development Director Kevin Smith, said that Staff is working with Salt Lake County on various projects that are transitioning from County control to City control. He will be breaking down development projects, code enforcement issues, building permits and business licenses by district and will distribute a monthly report to the Mayor and Council starting next month.
- 5.2 **Discussion of General Plan Process:** Mr. Smith said that the turnout for the general plan meetings has been very good. A general plan draft will be presented on April 28th at an open house to be held at Cottonwood Heights City Offices from 3:00 p.m. to 8:00 p.m.
- 5.3 **Street Light Policy:** Mr. Smith has been researching street light issues and said that residents can go to pacificpower.net and link to streetlights, where they can report street light outages or problems. He will link the web address to the City's website. He will provide an article for the Valley Journal in order to inform residents. He has also been in contact with the municipal street light director and finding what needs to be done to establish a city policy for the installation of new lights. He did find out that it is the City's responsibility to trench and run power to places that do not have power.
- 5.4 **Status of Old Mill Concerns:** Mayor Cullimore stated that this is high on the priority list and that meetings are being set up with the ultimate goal of having a round table discussion with all parties when the individual meetings have been completed.
- 5.5 **Resolution No. 2005-30 approving an agreement for Engineering Services with Gilson Engineering**
- 5.5.1 Mayor Cullimore stated that Gilson Engineering has been chosen to provide engineering services for the City. He noted that applications were received from 19 qualified firms.
- 5.5.2 Councilman Antczak moved approve Resolution No. 2005-30 approving an agreement for Engineering Services with Gilson Engineering. The motion was seconded by Councilman Bracken and passed unanimously on a roll call vote.

6.0 **Consent Calendar**

1. **Approval of March 8, 2005 Minutes**

- 6.1 The minutes of March 8, 2005, were approved as drafted.

Councilman Thomas moved to adjourn to the work session. The motion was seconded by Councilman Antczak and passed unanimously on a voice vote. The Business Meeting adjourned at 9:00 p.m.

Submitted by:

Linda Dunlavy

City Recorder

Approved: _____

Kelvyn Cullimore, Jr., Mayor

Don Antczak, Councilman

Scott Bracken, Councilman

Bruce Jones, Councilman

Gordon Thomas, Councilman